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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Hugh R. Kress  
Signature

8-DEC-2006  
Date

Hugh R. Kress

36,574

Typed or printed name

Registration Number, if applicable

Browning Bushman P.C.

713-266-5593

Address

Telephone Number

5718 Westheimer, Suite 1800, Houston, Texas 77057

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Response to Notice of Non-Compliant Amendment and Amended Response

**EXPRESS**

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

8-DEC-2006  
Date

Hugh R. Kress  
Signature

Hugh R. Kress

Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application S.N. 10/521,037

For: Gear Protected Against  
Overloading

Inventors: Jean-Marc Wiederrecht

§ Filed: January 10, 2005  
§  
§ Group Art Unit: 3682  
§  
§ Examiner: Terrence Boes  
§ 571.272-4898  
§  
§ Atty Dkt: GLN-056/US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

"EXPRESS MAIL" MAILING LABEL	
EXPRESS MAIL NO.:	EV 317505536 US
<small>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed, and (b) addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</small>	
Date: <u>8-DEC-06</u>	Signature: <u>Hugh R. Kress</u>
Printed Name: <u>Hugh R. Kress</u>	

**STATEMENT ACCOMPANYING  
PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION**

Sir:

This paper accompanies a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) in connection with the above-identified application and an associated fee payment pursuant to 37 C.F.R. § 1.17(m). No other fees are believed to be due in connection with this submission. However, if any other fees are determined to be due in connection with any aspect of this application, the Commissioner, Assistant Commissioner, and/or the Director of the U.S. Patent & Trademark Office is/are authorized to charge Browning Bushman Deposit Account No. 02-4345, referencing matter GLN-056US.

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STATEMENT ACCOMPANYING PETITION FOR  
REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION

Assignee hereby petitions for revival of the above-identified application, which was abandoned unintentionally. The facts are as follows:

- The undersigned attorney for Assignee has recently assumed responsibility of this application. Former counsel for Assignee have dissolved their practice, closed their office, and relocated to another state.
- An Office Action ("the Office Action") was issued on April 21, 2006 and was mailed to the former address of prior counsel for Assignee.
- As a consequence of the address to which the Office Action was mailed, there was some delay in receipt of the Office Action from prior counsel. Moreover, the Office Action was transmitted to the undersigned by means not customarily used for official U.S. Patent & Trademark Office mailings. Consequently, the Office Action was not subjected to the intake processes customarily applied to U.S. Patent & Trademark Office mailings by the undersigned and his firm. Thus, the due date for response to the Office Action was not properly taken note of as it would have been had it been received directly from the Patent Office.
- Through unintentional oversight, and without the reminders normally provided to the undersigned, a response to the Office Action was not timely submitted.

It is believed that the foregoing facts show that the abandonment of the application was wholly unintentional pursuant to 37 C.F.R. § 1.137(b)(3).

STATEMENT ACCOMPANYING PETITION FOR  
REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION

A Response to Office Action fully responsive to the Office Action is submitted concurrently herewith.

Revival of the application and entry of the Amended Response is respectfully requested.

Respectfully submitted,

Date: 8-DEL-2006

Hugh R. Kress

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